



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,548	08/15/2001	Stephen Suryaputra	120-179	9857
34845 7590 09/03/2009 Anderson Gorecki & Manaras LLP 33 NAGOG PARK ACTON, MA 01720				
EXAMINER GREY, CHRISTOPHER P				
ART UNIT 2416		PAPER NUMBER		
NOTIFICATION DATE 09/03/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

handerson@smmalaw.com  
officeadmin@smmalaw.com  
cmorrisette@smmalaw.com

### Office Action Summary

**Application No.**

09/930,548

**Applicant(s)**

SURYAPUTRA ET AL.

**Examiner**

CHRISTOPHER P. GREY

**Art Unit**

2416

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-8, 10-17, 19, 20, 22-25, 28, 29 and 38-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5-8, 10-17, 19, 20, 22-25 and 38-40 is/are allowed.
- 6) ☒ Claim(s) 28, 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. In view of applicant's amendment filed 11/06/08 the status of the application is still pending with respect to claims 1-3, 5-8,10-17, 19, 20, 22-25, 28, 29, 38-40.

***Response to Arguments***

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaudhuri et al. (US 7031299), hereinafter referred to as Cha, in view of Masuo (US 6421316).

**Regarding claim 28.**

Cha discloses a device for managing alternate site switching (Col 6 lines 33-42, **“has the responsibility of managing all light paths for which it is the first hop router**) in an optical communication system (see title for control of optical connections) having a protected end-system (fig 1, where the source is the protected end-system, i.e. also note fig 3,

Art Unit: 2416

where **A** is a protected end-system) in communication with a primary end-system (fig 3, where **E-F-G** is the primary end-system) over an optical communication network (see title for control of optical connections), including: a failover tree database (Col 17 lines 3-5, where the router stores all of the restoration routes, where these restoration routes are equivalent to failover routes/trees) for recording the structure of a failover tree (Col 17 lines 3-5, storing all routes and Col 6 lines 50-56, where the router functions such as managing the topology discovery and restoration) to at least one backup end system (fig 3, nodes **B-C-D** represent the back-up end system and are the restoration route), the failover tree (Col 17 lines 3-5, shows the restoration routes, where these restoration routes are equivalent to failover routes/trees) having at least a root node (fig 3, where **A** is the first hop router and is equivalent to a root node).

the failover tree computed (Col 15 lines 13-15, restoration routes are calculated) prior to a detection of a degradation or failure (Col 18 lines 49-61, failures are detected) affecting the primary-end system (fig 3, where **E-F-G** is the primary end-system); detection logic operably coupled to detect a the degradation or failure (Col 9 lines 35-36, fault detection) affecting the primary end-system (fig 3, where **E-F-G** is the primary end-system);

wherein the detection logic is operably coupled to detect a degradation or failure (Col 9 lines 35-36, fault detection) affecting the primary end-system (fig 3, where **E-F-G** is the primary end-system) by at least one of:

Art Unit: 2416

monitoring a bearer channel to the primary end-system (**Col 16 lines 1-5, where the module 18 detects failure by monitoring for an appropriate flow or signal on the channel/link 20a**);

send a setup request message (**Col 10, lines 35-61 shows a request message for a light path**) to initiate use of the at least one back-end system (**fig 3, nodes B-C-D represent the back-up end system and are the restoration route**).

sending a release message when a detection of failure of the primary path occurs (**Col 10 lines 57-62, where the first hop router sends a release resources message**)

Cha does not specifically disclose, signaling logic operably coupled to send a release message upstream toward the root node over the failover tree when the detection logic detects the degradation or failure affecting the primary end-system to release light-path resources to the primary end-system

Masuo discloses signaling logic operably coupled to send a release message upstream toward the root node (Col 11 lines 55-60, where a RELEAE message is sent in the direction of the root node) over the failover tree (**Col 11 lines 42-45, where the release message is sent to the leaf terminals, where in order to send the release message to the leaf terminals the release message must pass through nodes 221, 224 and 226 and 222 which are all apart of the failover tree**) when the detection logic detects the degradation or failure affecting the primary end-system (**Col 11 lines 38-40, detects the fault**)

Art Unit: 2416

to release light-path resources to the primary end-system (**Col 9 lines 22-25, the connection is released**).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the standby routing mechanism as taught by Cha, as taught by Masuo, since stated in Col 2 lines 29-30 that such a modification will reduce the burden on the root node.

**Regarding claim 29,** Cha discloses light-path logic operably coupled to relinquish light-path resources (**Col 10 lines 57-61, release/relinquish resources**) associated with a primary light-path (**Col 10 lines 35042, see default path**) to the primary end-system (**fig 3, where E-F-G is the primary end-system**)

#### ***Allowable Subject Matter***

5. Claims 1-3, 5-8, 10-17, 19, 20, 22-25 and 38-40 are allowed.

#### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory

Art Unit: 2416

action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER P. GREY whose telephone number is (571)272-3160. The examiner can normally be reached on 10AM-7:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moe Aung can be reached on (571)272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2416

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/  
Supervisory Patent Examiner, Art Unit 2416

Christopher P Grey  
Examiner  
Art Unit 2416